

FILED

DEC 12 2022

Clerk, U.S. District Court
District Of Montana
Great Falls

Deny Motions to Dismiss

Affidavit Included

proof of Service to Defendant Included

[use attachment if necessary].

[] I, [REDACTED] and a

Dated this 7th day of December, 2022
(date) (month) (year)

[Signature]
Your Signature

Certificate of Service Deny Motion to Dismiss
Reply to Rule 12(b)(6)

I hereby certify that a true and correct copy of the [REDACTED] Motion was served upon the opposing party (ies) on the 31 day of December, 2022 by the method and at the address as indicated below:

US District Court

125 Central Ave West

Great Falls MT 59404

[] U.S. Mail, first class postage prepaid

[X] Hand Delivery

DATED this 21 day of December, 2022

[Signature]
Your Signature

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 27. Motion for

Deny Motions to Dismiss

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form27instructions.pdf>

9th Cir. Case Number(s)

22 - 98 - 6F - BMM

Case Name

Flynn V Pabst

~~Agency Case Number~~ Agency Case Number

22 98 6F BMM

What is your name?

Kenneth Flynn

1. What do you want the court to do?

Deny Defendants Faust, Christians, Pabst and Mohawick
Motions to dismiss for Lack of Service process not
provided to plaintiff

2. Why should the court do this? Be specific. Include all relevant facts and law that would persuade the court to grant your request. (Attach additional pages as necessary. Your motion may not be longer than 20 pages.)

Plaintiff was unaware of the above named defendants
Motions to dismiss when filed. No Service of process.
No new activity was received from electronic means when
the above named defendants filed their motions to
dismiss. Plaintiff was not allowed review of the contents
of the motions to dismiss when filed without Service of
process. Plaintiff Requests legal Service of process from the
Court. Defendants to respond correctly to their motions to dismiss.

Your mailing address:

P.O. Box 232, 415 1st Ave

City

Gold Fork

State

MT

Zip Code

59525

~~Prisoner's Identification Number (if applicable)~~

Name K.A. Flynn

Date December 21, 2022

NAME: Kenneth J Flynn
MAILING ADDRESS: PO Box 232 615 1st AVE
(Street or P. O. Box)
Goldford MT
(City/State/Zip Code)
PHONE NUMBER: 202-714-3428

U.S. District Court 9th District
MONTANA [REDACTED], Cascade COUNTY

Kenneth Flynn
Petitioner/Plaintiff,
and
Kirstin Pabst et al
Respondent/Defendant.

Cause No.: 22-98-CF-BMM

AFFIDAVIT

I, K J Flynn, hereby state as follows:
(PRINT your name)

I Served Kirstin Pabst, Sherlely Faust,
Calvin T Christian & Holly McInerney
person of Service Included in this affidavit.
Served a copy of the Amended Complaint, as well
as a Summons.

All four defendants failed to serve
Kenneth Flynn the motions to dismiss with
Certificate of Service when they filed
these motions to dismiss.

[REDACTED]

[REDACTED]

I have enclosed the proof of
Service to Pabst, Faust, Chertow and
Mokosiech with this affidavit

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE
STATE OF MONTANA THAT ALL STATEMENTS AND INFORMATION
CONTAINED IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT.

DATED this 21 day of December, 2022
(day) (month) (year)

K. J. Flynn
YOUR SIGNATURE

Kimothy J Flynn
PRINT YOUR NAME

SHERIFF'S RETURN OF SERVICE

STATE OF MONTANA, }
 }
COUNTY OF MISSOULA }

ss.

OFFICE OF THE SHERIFF
Case No. CV-22-98-GF-BMM

I hereby certify,

That I received the within summons on the 1st day of November, in the year 2022. That I personally served the summons on 3rd day of November 2022, upon Shirley Foust, upon Fallon Sahara Flynn, and upon Kirstin Pabst the defendants named therein, by delivering a copy of the Summons to each of them personally, in the County of Missoula.

That I personally served the summons on 4th day of November 2022, upon Dr Christopher Jons, upon Jason Mark, upon Jeff Wilson and upon Holly M. Mohorococh by serving her counsel, Martin S King, defendants named therein, by delivering a copy of the Summons to each of them personally, in the County of Missoula.

That I personally served the summons on 9th day of November 2022, upon Calvin Christianson, the defendant named therein, by delivering a copy of the Summons to the defendant, personally, in the County of Missoula.

That at the time when I served the summons upon the defendants, and at the same place I also served upon the defendants a copy of the complaint upon which the summons was issued by delivering a copy to the defendants personally.

TJ McDermott, Sheriff

Served by Loren Hochhalter, Deputy

FLAT FEES \$800.00

MIME-Version:1.0

From:MTD_CMECF@mtd.uscourts.gov

To:MTD_CMECF@mtd.uscourts.gov

Bcc:

--Case Participants: Gabrielle N. Gee (apayton@hallboothsmith.com, ereed@hallboothsmith.com, ggee@hallboothsmith.com, kthompson@hallboothsmith.com, kwakefield@hallboothsmith.com, lgournay@hallboothsmith.com), Rutherford B. Hayes (rutherford.hayes2@mt.gov), Martin S. King (amccullough@wordenthane.com, ckjohnson@wordenthane.com, mking@wordenthane.com), Tyler M. Stockton (nglover@boonekarlberg.com, sholbrook@boonekarlberg.com, tstockton@boonekarlberg.com), Brian John West (bwest@missoulacounty.us, drandall@missoulacounty.us), Kenneth Jay Flynn (sherlockstorage406@gmail.com), Judge Brian Morris (bmm_filings@mtd.uscourts.gov)

--Non Case Participants:

--No Notice Sent:

Message-Id:<2857428@mtd.uscourts.gov>

Subject:Activity in Case 4:22-cv-00098-BMM Flynn v. Pabst et al Motion to Dismiss

Content-Type: text/html

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U.S. District Court

District of Montana

Notice of Electronic Filing

The following transaction was entered by Stockton, Tyler on 11/30/2022 at 3:53 PM MST and filed on 11/30/2022

Case Name: Flynn v. Pabst et al

Case Number: [4:22-cv-00098-BMM](#)

Filer: Calvin T. Christian

Document Number: [21](#)

Docket Text:

[MOTION to Dismiss Tyler M. Stockton appearing for Defendant Calvin T. Christian \(Stockton, Tyler\)](#)

4:22-cv-00098-BMM Notice has been electronically mailed to:

Brian John West bwest@missoulacounty.us, drandall@missoulacounty.us

Gabrielle N. Gee GGee@hallboothsmith.com, apayton@hallboothsmith.com, ereed@hallboothsmith.com, kthompson@hallboothsmith.com, kwakefield@hallboothsmith.com, lgournay@hallboothsmith.com

Kenneth Jay Flynn sherlockstorage406@gmail.com

Martin S. King mking@wordenthane.com, amccullough@wordenthane.com, ckjohnson@wordenthane.com

Rutherford B. Hayes Rutherford.Hayes2@mt.gov

Tyler M. Stockton tstockton@booneKarlberg.com, nglover@boonekarlberg.com,
sholbrook@boonekarlberg.com

4:22-cv-00098-BMM Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105468959 [Date=11/30/2022] [FileNumber=2857426-0] [a67df1d5278adcac2fcc7285ae199e581eb4cb2756ea334e7cafd5c5a9b52c87c625e89ee8a772254ff71cc62283eefef532f426eb169986743524a5e1e540ab]]